

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DUPAGE HOUSING AUTHORITY, an  
Illinois municipal corporation, and FOREST  
PRESERVE DISTRICT OF DUPAGE  
COUNTY,

Plaintiffs,

v.

VILLAGE OF OAK BROOK, an Illinois  
municipal corporation,

Defendant.

No. 03 C 2621

Judge Zagel

**DEFENDANT'S MOTION FOR JUDGMENT AS A MATTER OF LAW**

NOW COMES the Defendant, Village of Oak Brook, by and through their attorneys,  
James L. DeAno and Howard P. Levine, and pursuant to Federal Rule of Civil Procedure 50,  
hereby moves for Judgment as a Matter of Law. In further support thereof, Defendant states as  
follows:

1. Plaintiff has alleged that the Defendant violated the Fair Housing Act Amendments ("FHAA") and the Americans with Disabilities Act ("ADA") by: 1) intentionally discriminating (disparate treatment); 2) creating a disparate impact; and 3) failing to make a reasonable accommodation.
2. Throughout the course of this trial, Plaintiffs have failed to offer sufficient evidence to support a jury verdict in their favor and the Defendant is entitled to judgment in its favor as a matter of law.
3. Under Rule 50(a) of the Federal Rules of Civil Procedure, the Court is required to grant a directed verdict where there can be but one reasonable conclusion. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250 (1986). A scintilla of evidence in support of the non-moving party's position is not sufficient to successfully oppose a directed

verdict in favor of the moving party; "there must be evidence on which the jury could reasonably find for the plaintiff." Id.

4. The Village's Denial of Plaintiffs' Requested Zoning Did Not Constitute Intentional Discrimination. There has been no evidence of direct discrimination against the Plaintiffs. There has similarly been no evidence of indirect discrimination against the Plaintiffs. As a result, the Defendant is entitled to judgment as a matter of law.
5. The Village's Denial of the Plaintiffs' Requested Zoning Does Not Have a Disparate Impact on the Handicapped or Elderly. Plaintiff has produced no evidence which would establish
6. The Defendant is entitled to directed verdict because the Plaintiffs have not established that they Were entitled to a Reasonable Accommodation Under the ADA or the FHAA. The accommodation they requested was not reasonable as a matter of law. Additionally, Plaintiff has not established that the accommodation was necessary to avoid discrimination.
7. Additional support for the Defendant's motion for judgment as a matter of law is contained in the Defendant's memorandum of law filed contemporaneously with this motion.

WHEREFORE, the Defendant, Village of Oak Brook respectfully requests judgment be entered in its favor in its entirety.

Respectfully submitted,

For Defendant  
VILLAGE OF OAK BROOK,

By: s/Howard P. Levine  
Howard P. Levine

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